



# UNITED STATES PATENT AND TRADEMARK OFFICE

YH

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/976,553

10/12/2001

Chin-Tien Huang

TEH-7

1464

7590

08/20/2004

OLSON & HIERL, LTD.

36th Floor

20 North Wacker Drive

Chicago, IL 60606

EXAMINER

CHOI, STEPHEN

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 08/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

W

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/976,553	HUANG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Stephen Choi	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 14 May 2004 has been entered.

### ***Claim Objections***

2. Claims 1, 14, 26, 36, and 39 are objected to because of the following informalities: "Venetian" is not a trademark and should not be capitalized. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-9, 12-21, 24-28, 31-33, 35-36, 38-41, and 44 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Marocco '857 in view of Stevens.

Marocco '857 discloses the invention substantially as claimed including a body (Fig. 24, 220) defining a head rail opening (Fig. 24, 230), two blind slats openings (Fig. 24, 226, 228), a bottom rail opening (Fig. 24, 230 (bold type)), a plate (Fig. 18, 246) with

Art Unit: 3724

a head rail aperture (Fig. 18, 260) and configured to cut the head rail, a linearly movable blade assembly (Fig. 18, 244) to cut the bottom rail and the blind slats, a manually operated drive mechanism (Fig. 19, 262, 264) to cause the plate to cut the head rail and cause the blade assembly to cut the bottom rail and the blind slats concurrently and non-sequentially (col. 11, lines 24-47). However, Marocco '857 fails to teach a rotatable plate with a head rail aperture and configured to cut the head rail. Stevens teaches a rotatable plate with an aperture and configured to cut a rail (Fig. 4, D). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the device of Marocco '857 with a rotatable plate with an aperture as taught by Stevens to provide an alternative cutting mechanism.

Regarding claims 2, 3, 15, 16, 31, and 33, Marocco '857 teaches a blade housing (Fig. 24, 244), first blade for cutting the bottom rail having an open profile (Fig. 24, 254) along its cross sectional axis, second blade for cutting the blind slats (Fig. 24, 256).

Regarding claim 4, 17, and 32, Marocco '857 teaches a first blade (Fig. 24, 254) configured to cut a bottom rail having a closed profile.

Regarding claims 7-9, 19-21, 26-28, and 40-41, Marocco '857 teaches a movable adjustable end guide adjacent to the body having an end guide lock (col. 11, lines 48-67).

Regarding claims 12 and 24, Marocco '857 teaches a profile of the head rail aperture (Fig. 24, 230) that corresponds to the cross section of the head rail.

Regarding claims 13 and 25, Marocco '857 teaches tooth-like projections (Fig. 16, unlabeled, in opening 204).

Art Unit: 3724

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marocco '857 in view of Stevens as applied to claim 1 above, and further in view of Wang '557.

The modified device of Marocco '857 discloses the invention substantially as claimed except for a blade cutting the bottom rail along its long cross sectional axis. However, Wang '557 teaches a blade cutting the bottom rail along its long cross sectional axis (Fig. 4, 28, 241). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified device of Marocco '857 with a blade cutting the bottom rail along its long cross sectional axis as taught by Wang '557 to provide better cutting of the U-shaped parts of the bottom rail.

6. Claims 10, 22, 29, 34, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marocco '857 in view of Stevens as applied to claim 1 above, and further in view of Wang '172.

The modified device of Marocco '857 discloses the invention substantially as claimed except for a support including at least one bracket and a first blade that is pointed for cutting the bottom rail. Wang '172 teaches a support including at least one bracket (Fig. 1, 45, 46) and a first blade that is pointed (Fig. 3, leftmost item 51) for cutting the bottom rail. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified device of Marocco '857 with a support including at least one bracket and a first blade that is pointed for cutting the bottom rail as taught by Wang '172 to provide easier cutting and workpiece handling.

7. Claims 11, 23, 30, 37, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marocco '857 in view of Stevens as applied to claim 1 above, and

Art Unit: 3724

further in view of Marocco '388.

The modified device of Marocco '857 discloses the invention substantially as claimed except for a blind slats clamp. Marocco '388 teaches a blind slats clamp (Fig. 3, 74). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified device of Marocco '857 with a blind slats clamp as taught by Marocco '388 to compress the slats to provide cleaner cutting.

### ***Response to Arguments***

8. Applicant's arguments filed 14 May 2004 have been fully considered but they are not persuasive.

Applicants contend that Marocco '857 teaches blind components are cut progressively or sequentially. Applicants assert that the cutting of the head rail is completed by the time the blade for cutting the bottom rail is cutting the bottom rail due to a substantial gap between the blade for the bottom rail and the slot for the bottom rail.

The examiner respectfully disagrees. Although Figure 18 appears to show the gap as stated above, the specification (col. 10, lines 46-51) clearly indicates that Figure 18 shows the embodiment for cutting the bottom rail more or less simultaneously with the blind slats which are cut simultaneously with the head rail. It is noted that the drawings are not to scale since the disclosure is silent as to dimensions.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Liebig et al., Dvorak, and Marocco '120 are cited to show related devices.


Art Unit: 3724

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Choi whose telephone number is 703-306-4523. The examiner can normally be reached on Monday-Friday 9:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sc  
19 August 2004

  
**STEPHEN CHOI**  
**PRIMARY EXAMINER**